

**Minutes  
Bar Harbor Planning Board  
June 18, 2008**

*Members present: Kevin Cochary, Secretary; Lynne Williams; Dave Bowden*

*Also present: Kris Hultgren, Staff Planner; Lee Bragg, Town Attorney*

**I. CALL TO ORDER — 6:05 p.m.**

**II. EXCUSED ABSENCES**

*Mr. Bowden made a motion to excuse Ms. Stevens-Rosa. Ms. Williams seconded and the Board voted unanimously to approve the motion.*

**III. ADOPTION OF THE AGENDA**

*Mr. Bowden made a motion to move Jackson Lab to the end of the agenda and approve the agenda. Ms. Williams seconded and the Board voted unanimously on the motion.*

**IV. APPROVAL OF MINUTES**

There were no minutes to approve.

**V. REGULAR BUSINESS**

**A. Public Hearing – SD-07-04 – Phillips-Gray**

**Project Location:** Crooked Road, Bar Harbor Tax Map 227 Lots 95 & 97

**Applicant:** Nyoka Gray and Donald Phillips Trust

**Application:** Proposes to rearrange lot lines and create 2 lots

Mr. Cochary recused himself.

Mr. Bragg was asked if there is a quorum issue and he commented that there is a quorum.

Mr. Perry Moore, representing the applicant, commented about the process of entering into deliberations and bringing in another Board member afterward but did not object to the Board moving forward.

Mr. Moore gave an overview of the project and explained how the lots became illegal.

Mr. Bowden opened the hearing to the public.

John Kelly, representing Acadia National Park, submitted a letter to the record indicating that the park owns a right-of-way over the applicant's land leading to a Park parcel in the back. Mr. Kelly asked the Board to require the applicant to show the right-of-way to the park land on the final plat.

Mr. Bowden indicated that he does not believe it is an issue for the Planning Board, rather, it is an issue between land owners and the proper venue for settling such a dispute is in civilian court. Mr. Bragg concurred with the opinion of Mr. Bowden.

Mr. Moore explained that at one time the road extended to the Park parcel but the plan was changed at the preference of his client.

Mr. Bowden asked for clarification on the road frontage requirements for Lot 2. Mr. Moore explained the new road off of the Crooked Road would serve as lot 2's road frontage. Mr. Moore went on to suggest that the final plat indicate a 200' square on both lots, show the setbacks for each lot and make sure the lot lines are clearly labeled.

Mr. Bowden closed the public hearing.

*Ms. Williams made a motion to approve the application with the conditions that a 200 foot square is shown on the plat for both lots, front and side setbacks for each lot are shown and labeled on the plat and property lines are shown on plat to show front and side property lines. Mr. Bowden seconded and the Board voted unanimously to approve the motion, 2-0.*

**B. Public Hearing – SD-07-06 – Owl's Nest Subdivision**

**Project Location:** Stony Brook Way, Bar Harbor Tax Map 208, Lot 96

**Applicant:** Owl's Nest, LLC

**Application:** Proposes an 10 lot residential subdivision

Steve Salisbury gave an update of the project to the Board.

SW Cole presented the wastewater plan for the project. They noted that four wells were dug with three used as observation wells and no adverse impact to the water quantity for this subdivision was shown. Groundwater will remain essentially the same post development as pre-development.

Arsenic was high by three times the normal amount. Sodium and pH were also above the state standard.

Mr. Cochary inquired about well levels and asked for some clarification on whether wells could go dry during a drought. He also expressed concern about discharging waste into the wetlands. The applicant noted that discharging waste into wetlands is preferred for treatment.

Mr. Cochary noted the difficulty with finding an area for a well on lots where the nitrate plumes cover most of the lot. He indicated favoring a peer review of the nitrate discharge and Ms. Williams and Mr. Bowden concurred.

Mr. Cochary opened the hearing to the public in regards to hydrological study.

***Ms. Williams made a motion to request peer review of the subsurface wastewater disposal, hydrogeological report and nitrate plumes. Mr. Bowden seconded and the Board voted unanimously to approve the motion.***

The Board moved on to the road plan.

Noel Musson, representing the applicant, described the new road plan that was submitted.

The Planning Board asked for an updated subdivision plan that reflects the changes to the road. Mr. Musson agreed to provide the updates to the plan.

Dana Reed, an abutter to project, discussed land use ordinance provisions he feels are not met by the applicant. He mentioned the setback to property lines, side slopes that are too steep, side slopes that are not vegetated and he said the new subdivision plan does reflect these changes.

Mr. Cochary asked Mr. Bragg to comment on the setback issue brought up by Mr. Reed. Mr. Bragg described that the ordinance appears to contradict itself by requiring that a structure – a road – be setback from a property line while allowing roads to be within the front setback once it is built.

Mike Ross, representing the applicant, commented about the setback issue and believes it would be absurd to require a road to be setback 75' from all front lot lines.

Mr. Bowden raised the issue of the common lot on the corner of Lot 1. The applicant agreed to reevaluate the common lot.

***Mr. Bowden made a motion to continue the public hearing to the July 16 meeting. Ms. Williams seconded and the Board voted unanimously to approve the motion.***

**C. Public Hearing – SP-08-01 – The Jackson Laboratory**

**Project Location:** 600 Main Street, Bar Harbor Tax Map 253, Lot 3

**Applicant:** The Jackson Laboratory

**Application:** Proposes to construct a 51,415 square foot facility

Ms. Nicholson, representing the applicant, updated the Board on the project.

Ms. Williams expressed concern about a stormwater letter submitted by public works director Chip Reeves. Ms. Nicholson commented that this project meets the letter of the ordinance.

Mr. Bowden asked about trying to buffer a 40 foot high building and the difficulties with that. Ms. Nicholson noted that the Lab and Acadia National Park are working out additional buffering techniques.

Mr. Bowden expressed concern about the height, noise, light and buffering issues because the building is so large.

Mr. Cochary opened the hearing to the public comment. There was no public comment.

***Mr. Williams made a motion to approve application. Mr. Bowden seconded and the Board voted unanimously to approve the motion.***

Mr. Bowden asked for a copy of the agreement between the Jackson Lab and Acadia National Park for enhanced buffering of the building.

**D. Completeness Review – SD-08-03 – Blagden Highlands**

**Project Location:** Indian Point Road, Bar Harbor Tax Map 241, Lots 8 & 9

**Applicant:** Timothy H. Gott

**Application:** Proposes and 11 lot residential subdivision

Steve Salisbury, representing the applicant, gave an overview of the project.

The Board reviewed the application for completeness.

Mr. Cochary asked about the overhead utilities and whether they should be underground. The applicant noted that other parts of Indian Point Road have overhead utilities.

Mr. Cochary opened the meeting to public comment.

***Mr. Bowden made a motion to find the application complete and schedule a public hearing for July 16. Ms. Williams seconded and the Board voted unanimously to approve the motion.***

The applicant asked the Board if it would like to hear a presentation from SW Cole addressing the hydrogeology of the area. The Board agreed that it would like to hear the presentation. A representative from SW Cole presented the findings of the geological study.

**VI. OTHER BUSINESS**

**VII. PLANNING DIRECTOR'S REPORT**

**VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA**

Mr. Bowden expressed concern that the affordability committee did not get formed at the Town Council meeting last night.

**IX. ADJOURNMENT – 9:47**

*Signed as approved:*

Bar Harbor Planning Board

Minutes, 6/18/08

Kevin Cochary, Secretary  
Planning Board, Town of Bar Harbor

Date